REMARKS

These remarks are set forth in response to the Office Action. As this amendment has

been timely filed within the three-month statutory period, neither an extension of time nor a fee

is required. Presently, claims 1 through 13 are pending in the Patent Application. Claims 1, 9,

10 and 11 are independent claims. In paragraphs 1 and 2 of the Office Action, claims 1-2 and 7-

13 have been rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No.

5,710,918 to Lagarde. In paragraphs 3 and 4 of the Office Action, claims 3-6 have been rejected

under 35 U.S.C. §103(a) as being unpatentable (obvious) over Lagarde in view of Thomas

Chester and Richard H. Alden, Mastering Excel 97, 4th Ed. (Sybex 1997)(hereinafter "Chester").

In response, the Applicants respectfully traverse the rejections on the art as the

Applicants believe that Lagarde alone cannot support a prima facie case of anticipation as

required under the Patent Act and defined in the Manual of Patent Examining Procedure

(MPEP), section 2131. Specifically, each and every element of the Applicants' invention as set

forth in the claims of the Patent Application, cannot be found, either expressly or inherently,

within the Lagarde reference. As such, the combination of Lagarde with Chester also cannot

support a prima facie case of obviousness as required under the Patent Act and defined in the

MPEP, section 2142. Prior to a more in depth discussion of the rejections on the art, however, a

brief review of the Applicants' invention is appropriate.

The Applicants have invented a method, system and apparatus for menu emulation in

content browsers. Advantageously, unlike prior art menu rendering systems, in the Applicants'

invention, menus can be emulated in markup rendered in a content browser without expending

processing resources which otherwise would be expended when using JavaScript, DHTML or

such other client side processing technologies. Rather, in the Applicants' invention drop-down

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menus and pop-up menus can be emulated using markup which can be rendered even in skeletal content browsers capable only of processing HTML 3.2.

Specifically, submittable form input elements can be encoded in markup and can include composite imagery causing each form input element to appear as a menu entry in a menu. When a form input element is selected, additional imagery can be encoded in replacement markup, the additional imagery causing the selected form input element to appear as a drop-down or pop-up menu. Hence, using minimal client-server communications, a markup-specified user interface can appear to include a fully operational menu bar or pop-up menu without requiring the use of client side processing technologies such as JavaScript. Rather, even a basic HTML 3.2 compliant content browser can render markup configured to emulate a fully operational menu bar.

Turning now to the rejections on the art, Lagarde relates to a Web browser configured to transmit requests to a Web server on a network which receives and fulfills requests as an agent of the Web browser. Distributed sub-agents can be organized as distributed integration solution (DIS) servers on an intranet network supporting the Web server which also has an access agent server accessible over the Internet. The DIS servers can execute selected capsule objects which perform programmable functions upon receiving a command from a Web server control program agent. Those functions can include, in response to a single request made from a Web page, the retrieval from a database gateway coupled to one or more database resources, requested information from multiple, different, geographically dispersed databases. The functions further can include performing calculations, formatting, and other services.

Importantly, as Lagarde relates to the distributed task fulfillment of Web browser requests, Lagarde bears no apparent relation to the emulation of a menu in a content browser. To

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that point, each of claims 1, 9, 10 and 11 recite explicitly and clearly one of either a "form-based submit element" or "form-based input element" Yet, the entire concept of a "form" as defined in markup is wholly missing from both the Lagarde and Chester references. In fact, each of claims 9, 10 and 11 recite a "form-based input element encapsulating a reference to a composite image of menu text and a graphical icon". Claim 1, in turn, recites the "encoding" of "a form-submit element with a menu-item description and an associated graphical icon denoting a selectable menu". As Lagarde cannot possibly be held out as teaching a "form-submit element" of any kind, it is wholly inappropriate to utilize Lagarde as the foundation for a rejection either under 35 U.S.C. § 102(b) or 35 U.S.C. § 103(a).
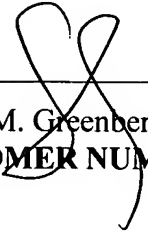
The Examiner is to be reminded of the basic requirements of the MPEP section 2131 which states, "A claim is anticipated *only if each and every element as set forth in the claim is found*, either expressly or inherently described in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628 (Fed. Cir. 1987). Moreover, the Examiner is to be further reminded of the requirements of Section 2142 of the MPEP in that to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references when combined must reach or suggest all the claim limitations. Clearly, the recitation of Lagarde cannot satisfy the three basic criteria of Section 2142 of the MPEP.

In sum, the Applicants believe that the originally filed claims 1-13 distinguish over the cited art and stand patentable and ready for an indication of allowance. As such, the Applicants respectfully request the withdrawal of the rejections under 35 U.S.C. §§ 102(b) and 103(a) based

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upon the foregoing remarks. This entire application is now believed to be in condition for

allowance. Consequently, such action is respectfully requested. The Applicants request that the

Examiner call the undersigned if clarification is needed on any matter within this Amendment, or

if the Examiner believes a telephone interview would expedite the prosecution of the subject

application to completion.

Respectfully submitted,

Date:  January 4, 2005

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**CUSTOMER NUMBER 46320**